

JUL 30 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

MATHEW AGBAOSI,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee,

GEORGE G. ROMAIN,

Real-party-in-interest -
Appellant.

No. 06-56694

D.C. No. CV-06-01246-SVW

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted July 22, 2008 **

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

George G. Romain, a California attorney, appeals pro se from the district court's order sanctioning him sua sponte pursuant to Rule 11 of the Federal Rules of Civil Procedure. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion, *Retail Flooring Dealers of Am., Inc. v. Beaulieu of Am., LLC*, 339 F.3d 1146, 1150 (9th Cir. 2003), and we vacate.

The district court abused its discretion in failing to apply the “contempt of court” standard laid out by this court for Rule 11 sua sponte sanctions. *United Nat’l Ins. Co. v. R & D Latex Corp.*, 242 F.3d 1102, 1116 (9th Cir. 2001) (holding that sua sponte Rule 11 sanctions, for which there is no “safe harbor” for attorneys to correct or withdraw their challenged filings, should ordinarily be imposed only in situations that are akin to contempt of court).

VACATED.